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### **Parliamentary Opinion for the Loudoun Education Alliance of Parents February 21, 2018**

#### **Introduction**

This Parliamentarian has been asked by Stephanie Eskins-Gleason, President of the Loudoun Education Alliance of Parents (LEAP), to answer the following questions in a Parliamentary Opinion:

1. What are the requirements for being a delegate, officer, or subcommittee chair?
2. Can a person who was elected to an officer position in May 2017 but has not paid their dues by the October 2017 deadline retain their officer position?
3. In order to be eligible to run for a position during the May 2018 election, must the person be a registered delegate with dues paid by the previous October 2017 deadline (previous calendar year)? If so, this would mean only delegates who paid dues on time at the start of one school year would be eligible to be nominated for a position for the following school year, correct?
4. If a person is considered a delegate by their school, but their school has not paid their dues yet, can they still be a voting member of the assembly - or one who can be nominated for an officer or subcommittee chair?
5. Can Executive Committee position descriptions be changed without a vote of the assembly?
6. Can an officer be voted out of office by an Executive Committee only decision? If so, what would the process look like?
7. Can a Vice-President of programs request to become President and chair meetings without the consent of the First Vice-President and President?
8. Can someone who is not a member of the assembly chair an unannounced meeting of Executive Committee members and ask the members for an up or down vote on a list of issues (with no discussion allowed)?
9. The LEAP Executive Committee decided to extend the deadline for payment of dues from October to November. Was this action within the authority of the Executive Committee?

## Sources Consulted

- Bylaws of Loudoun Education Alliance of Parents
- Position Description for the Loudoun Education Alliance of Parents
- Loudoun Education Alliance of Parents Delegate Registration Form 2017-2018 School Year
- *Roberts Rules of Order Newly Revised, 11<sup>th</sup> edition* (RONR 11<sup>th</sup> ed.)

## Opinion

<b>1. What are the requirements for being a delegate, officer, or subcommittee chair?</b>	<ul style="list-style-type: none"><li>• Delegate In Article V, Section 1 of the LEAP bylaws, the requirement for delegates is that they be representatives from the parent groups of each school. The bylaws imply that the parent groups of the constituent schools may qualify their delegates according to their own procedures.</li><li>• Officer The LEAP bylaws do not specify requirements for officers.</li><li>• Subcommittee Chair The LEAP bylaws do not specify requirements for subcommittee chairs.</li></ul>
<b>2. Can a person who was elected to an officer position in May 2017 but has not paid their dues by the October 2017 deadline retain their officer position?</b>	<p>LEAP bylaws are silent on the circumstances of the member or officer who is in arrears. For a circumstance that is not delineated in the bylaws, one may consult the parliamentary authority, Robert's Rules of Order Newly Revised, 11<sup>th</sup> edition (RONR 11<sup>th</sup> ed.) for guidance. RONR 11<sup>th</sup> is silent on the circumstances of officers in arrears, but does speak to the circumstance of members in arrears. RONR 11<sup>th</sup> ed. says that the bylaws of an organizations should :</p> <p>“state the required fees and dues, the date(s) when payable (whether annually, semiannually, quarterly, etc.), the time and prescribed procedure for notifying members if they become delinquent in payment, and the date thereafter on which a member will be dropped for nonpayment of dues. Before a member in arrears has been finally dropped under such a</p>

	<p>provision, his voting rights cannot be suspended unless the bylaws so provide.” (RONR 11<sup>th</sup> ed., p.571, l.29-p572, l.1).</p> <p>Because the LEAP bylaws do not delineate consequences for members or officers who do not pay their dues by the deadline and because RONR explains that the bylaws must explicitly state the consequences for the member in arrears, one may conclude that the LEAP officer in arrears should retain a voting rights and may infer that the LEAP officer should retain his or her office because payment of dues is not explicitly stated to retain office.</p>
<p><b>3. In order to be eligible to run for a position during the May 2018 election, must the person be a registered delegate with dues paid by the previous October 2017 deadline (previous calendar year)? If so, this would mean only delegates who paid dues on time at the start of one school year would be eligible to be nominated for a position for the following school year, correct?</b></p>	<p>In Article VI, Section 1, LEAP bylaws state that officers shall be elected by ballot no later than the regular meeting in May. Note that the bylaws are silent on qualifications for holding office. Therefore, any delegate is qualified to run for office. The language below supports this position as RONR 11<sup>th</sup> ed. says that the bylaws of an organizations should:</p> <p>“state the required fees and dues, the date(s) when payable (whether annually, semiannually, quarterly, etc.), the time and prescribed procedure for notifying members if they become delinquent in payment, and the date thereafter on which a member will be dropped for nonpayment of dues. Before a member in arrears has been finally dropped under such a provision, his voting rights cannot be suspended unless the bylaws so provide.” (RONR 11<sup>th</sup> ed., p.571, l.29-p572, l.1).</p> <p>Because the LEAP bylaws do not explicitly qualify consequences for delegates who do not pay their dues by the deadline, the delegate in arrears may be nominated for office.</p>
<p><b>4. If a person is considered a delegate by their school, but their school has not paid their dues yet, can they still be a voting member of the</b></p>	<p>Because the LEAP bylaws are silent on the voting rights of the members in arrears, one may refer to RONR 11<sup>th</sup> ed. which states:</p> <p>“VOTING RIGHTS OF A MEMBER IN ARREARS. A member of a society who is in arrears in payment of</p>

<p><b>assembly - or one who can be nominated for an officer or subcommittee chair?</b></p>	<p>his dues, but who has not been formally dropped from the membership rolls and is not under a disciplinary suspension, retains the full rights of a voting member and is entitled to vote except as the bylaws may otherwise provide.”(RONR 11<sup>th</sup> ed. p. 406 l. 25-30)</p> <p>Therefore, a delegate who has not paid his or her dues can vote. Because voting is one of the highest privileges of membership, one may infer that a delegate in arrears can also be nominated for an office or a subcommittee chair.</p>
<p><b>5. Can Executive Committee position descriptions be changed without a vote of the assembly?</b></p>	<p>No, the Executive Committee position descriptions cannot be changed without a vote of the assembly to amend the bylaws.</p> <p>The duties of the officers and the nominating committee are listed in the bylaws. Article XIV of the LEAP bylaws lists that method for amending the bylaws:</p> <p>“These bylaws may be amended at any regular meeting of this ALLIANCE by a two-thirds vote of the delegates or their alternates present and voting, provided written notice of the proposed amendment(s) shall have been given at least thirty days prior the meeting.”</p> <p>Therefore, only the assembly of delegates and their alternates can amend the bylaws to change the position descriptions of the Executive Committee.</p>
<p><b>6. Can an officer be voted out of office by an Executive Committee only decision? If so, what would the process look like?</b></p>	<p>LEAP bylaws are silent on the removal of officers. LEAP bylaws state that officers may serve for a one year term and can be re-elected to a second one-year term. A one year term is a fixed term.</p> <p>RONR 11<sup>th</sup> ed. provides guidance on officers who serve for a fixed term without a reference to election of their successors and under this circumstance, the officer in question cannot be removed from office by adoption of a motion to do so.</p>

	<p>RONR 11<sup>th</sup> ed. states that:</p> <p>“If, however, the bylaws provide that officers shall serve only a fixed term, such as for two years (which is not recommended wording)...an officer can be removed from office only for cause—that is, neglect of duty in office or misconduct—in accordance with the procedures described in chapter 63 (of RONR 11<sup>th</sup> ed.); that is, an investigating committee must be appointed, charges must be preferred, and a formal trial must be held.” (RONR 11<sup>th</sup> ed., p. 654, ll. 4-13.)</p> <p>The basic steps of this investigation and trial procedure are:</p> <ol style="list-style-type: none"> <li>(1) confidential investigation by a committee</li> <li>(2) report of the committee, and preferral of charges if warranted</li> <li>(3) formal notification of the accused</li> <li>(4) trial</li> <li>(5) the assembly's review of a trial committee's findings (if the trial has been held in a committee instead of the assembly of the society)</li> </ol> <p>The full procedure is detailed in RONR 11<sup>th</sup> ed., p. 654, l.17—p. 669, l.35</p> <p>Therefore, a LEAP officer cannot be voted out of office by a main motion. An investigation and trial must be held.</p>
<p><b>7. Can a Vice-President of programs request to become President and chair meetings without the consent of the President and First Vice-President?</b></p>	<p>LEAP bylaws clearly denote the line of succession regarding presiding duties:</p> <ul style="list-style-type: none"> <li>• Article VII Section 1 a The President shall preside at all meetings of the Alliance when present.</li> <li>• Article VII Section 2 a The First Vice-President Shall preside at all meetings of the ALLIANCE in the absence of the President.</li> <li>• Article VII Section 3 a The Second Vice-President shall preside at all meetings of the ALLIANCE in the absence of both the President and First Vice-President.</li> </ul>

	Therefore, a request by the Second Vice-President who is the Vice President of Programs to become President and chair meetings is a violation of LEAP bylaws and not permissible unless the President and the First Vice-President are absent.
<b>8. Can someone who is not a member of the assembly chair an unannounced meeting of Executive Committee members and ask the members for an up or down vote on a list of issues (with no discussion allowed)?</b>	<p>Someone who is not a member of the assembly cannot chair a meeting of the Executive Committee.</p> <p>In Article IX Section 1, LEAP bylaws list who are the members of the Executive Committee. A member who is not a member of the Executive Committee cannot chair a meeting, move business or vote.</p> <p>Unannounced meetings of the executive board are not permissible per LEAP bylaws. The bylaws are silent on special meetings of the Executive Committee; therefore, special meetings of the Executive Committee are not permissible.</p> <p>“Special meetings can properly be called only (a) as authorized in the bylaws (see RONR p. 576); or (b) when authorized by the assembly itself, as part of formal disciplinary procedures, for purposes of conducting a trial and determining a punishment.” (RONR 11<sup>th</sup> ed., p. 92, II.9-14)</p>
<b>9. The LEAP Executive Committee decided to extend the deadline for payment of dues from October to November. Was this action within the authority of the Executive Committee?</b>	Article V, section 2, LEAP bylaws state that dues are payable on or before October 31. Changing the deadline of dues payment can only be made by amending LEAP bylaws. Article XIV of the LEAP bylaws outline the amendment process which can only be performed by the body of delegates or their alternates at a meeting with prior notice of proposed amendments. The LEAP Executive Committee did not have the authority to extend the deadline for payment of dues.

## Conclusions

- Delegates and alternates of LEAP have the rights of membership including the right to vote, be nominated for office, serve as an officer and serve as a subcommittee chair even if their dues have not been paid.
- Only the assembly of LEAP delegates and alternates may amend the bylaws.

- Only a member of LEAP's Executive Committee may chair the meetings of this committee, move business, engage in debate and vote.
- Special meetings of the Executive Committee are not permitted
- LEAP officers may be removed for cause through investigation and trial and not by adoption of a motion to do so.

### **Recommendation**

This Parliamentarian recommends that LEAP undertake a complete revision of its bylaws with changes to include but not limited to:

- Qualifications for the active status delegates
- Qualifications for delegates to be nominated for office
- Qualifications for committee and subcommittee chairs
- Provisions for delegates in arrears
- Provisions for special meetings of the Executive Committee
- The new deadline for payment of dues

### **Parliamentary Disclaimer**

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